

AN ORDINANCE

**99439**

**ACCEPTING THE PROPOSAL OF NEVER TOO LATE BUSINESS CENTER; AUTHORIZING THE EXECUTION OF A STANDARD CONCESSION AGREEMENT, PURSUANT THERETO, FOR THE USE OF APPROXIMATELY 801 SQUARE FEET OF RETAIL SPACE IN SAN ANTONIO INTERNATIONAL AIRPORT, TERMINAL TWO, FOR A TERM OF FIVE (5) YEARS AND PROVIDING FOR ANNUAL PAYMENTS TO THE CITY OF SAN ANTONIO OF THE GREATER OF FOUR PERCENT (4%) TO FORTY PERCENT (40%) OF GROSS REVENUES, OR MINIMUM ANNUAL GUARANTEE PAYMENTS BETWEEN \$7,500.00 AND \$17,500.00.**

\* \* \* \* \*

**WHEREAS**, Ordinance 96791, passed and approved by City Council on November 21, 2002, awarded Never Too Late Business Center a concession contract for space in Terminal Two; and

**WHEREAS**, changes in security, unsuitable locations and the lack of any suitable alternative locations delayed the execution of the Concession Agreement beyond the 180 day period for execution by the parties as provided by the City Ordinance; and

**WHEREAS**, as provided by the pending new Concession Agreement, Never Too Late Business Center will be located in approximately 801 square feet in Space 238, Terminal Two; and

**WHEREAS**, it is now necessary to execute a San Antonio International Airport Standard Concession Agreement with this firm; **NOW THEREFORE**:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The proposal of Never Too Late Business Center for the operation of a business center concession at Terminal Two in the San Antonio International Airport is hereby selected for negotiation. A copy of the proposal is on file in the Office of the Aviation Director and its terms are incorporated herein by reference.

**SECTION 2.** In the event an San Antonio International Airport Standard Concession Agreement for operation of a concession by Never Too Late Business Center, a copy of which is attached hereto in substantial form and incorporated by reference herein, IS NOT signed by the parties thereto, within one hundred eighty (180) days from the date of this Ordinance, then it shall become null and void, and any further signed documents must again be considered by City Council.

**SECTION 3.** If within the next one hundred eighty (180) days, the San Antonio International Airport Standard Concession Agreement is signed by Never Too Late Business Center, in substantially the same form and content as the Standard Concession Agreement, then the City Manager or her designee is hereby authorized to execute such Concession Agreement, without further City Council action. Should the Concessionaire sign a Concession Agreement that varies substantially from the form and content of the attached Standard Concession Agreement, then such varied Concession Agreement must be subsequently considered and approved by City Council.

**SECTION 4.** The Standard Concession Agreement with Never Too Late Business Center provides for a business and personal services operation in Terminal Two, Space 238, for a five (5) year term. The Concessionaire will pay the City the greater of (1) 40% of ATM gross revenues, 8% of gross revenues for business services and 4% of all gross revenues for financial services or (2) a Minimum Annual Guarantee of \$7,500.00 for the first year, \$10,000.00 for the second year, \$12,500.00 for the third year, \$15,000.00 for the fourth year, and \$17,500.00 for the fifth year. The Total Minimum Guarantee is \$62,500.00 over the life of the contract.

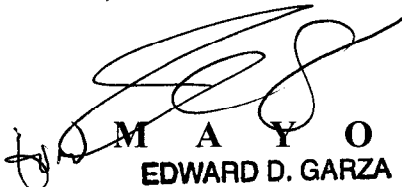
**SECTION 5.** The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.


**SECTION 6.** The proceeds of the Agreement shall be deposited into Fund No. 51-001 entitled "Airports Funds," Index Code 078659 entitled "Business Center, LLC."

**SECTION 8.** This Ordinance shall be effective on and after the tenth (10<sup>th</sup>) day after passage hereof.

**PASSED AND APPROVED THIS 24th DAY OF June, 2004.**

ATTEST:   
City Clerk

  
MAYOR  
EDWARD D. GARZA

APPROVED AS TO FORM:   
for City Attorney